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Attorneys for Defendants and Counterclaimants
SONY COMPUTER ENTERTAINMENT AMERICA LLC
and SONY ELECTRONICS INC.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OLYMPIC DEVELOPMENTS AG, LLC,

Plaintiff,

v.

SONY COMPUTER ENTERTAINMENT
AMERICA LLC

Defendant.

OLYMPIC DEVELOPMENTS AG, LLC,

Plaintiff,

v.

SONY ELECTRONICS INC.

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 3:11-cv-01080-JCS

Judge: Hon. Joseph C. Spero

**JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO
CONSOLIDATE CASE NO. 3:11-CV-
01080-JCS AND CASE NO. 3:11-CV-
04203-JSC**

1 1. Pursuant to Civil L.R. 7-12 and Federal Rules of Civil Procedure 42(a), Plaintiff
2 Olympic Developments AG, LLC (“Plaintiff”) and Defendants Sony Computer Entertainment
3 America LLC (“SCEA”) and Sony Electronics Inc. (“SEL”) (collectively “the Parties”), by and
4 through their respective counsel, hereby agree and stipulate, and respectfully request the Court to
5 enter an Order consolidating the above-captioned actions. This joint stipulation sets forth the
6 following facts upon which the Parties agree:

7 2. Plaintiff filed an action against SEL, SCEA, and several other defendants on
8 September 28, 2010 in the United States District Court for the Central District of California, alleging
9 patent infringement.

10 3. On February 18, 2011, Plaintiff and SEL along with two other defendants, Apple, Inc.
11 and barnesandnoble.com LLC, filed a Joint Stipulation and Motion to Sever and Transfer Plaintiff’s
12 Claims to the United States District Court for the Northern District of California. Case No. C-11-
13 01655 EJD, *Doc. 85*. The court granted the joint motion on February 28, 2011. *Id. at Doc. 89*.
14 Following severance and transfer, Plaintiff and SEL, including Apple, Inc. and barnesandnoble.com
15 LLC, were docketed before Judge Edward J. Davila.

16 4. On February 21, 2011, Plaintiff and SCEA filed a Joint Stipulation and Motion to
17 Sever and Transfer Plaintiff’s Claims to the United States District Court for the Northern District of
18 California. *Doc. 63*. The court granted the joint motion on February 28, 2011. *Doc. 66*. Following
19 severance and transfer, Plaintiff and SCEA were docketed before this Court (“SCEA Action”).

20 5. Since their respective transfers, the Parties have engaged in several meet and confer
21 discussions to join SEL in the SCEA Action. These discussions were described in subsequent filings
22 in the SCEA Action, in which the Parties stated that “Plaintiff, SCEA, and SEL have agreed that the
23 convenience of all parties and consistent and efficient judicial management would benefit from
24 removing Plaintiff’s and SEL’s claims from the [this] Action and asserting them in [the SCEA
25 Action].” Case No. 3:11-cv-01080-JCS, *Docs. 91, 92*.

26 6. On August 19, Plaintiff and SEL filed a Joint Stipulation to Sever Plaintiff’s Claims
27 Against SEL, severing SEL from barnesandnoble.com LLC (Apple, Inc. had previously been
28

1 dismissed pursuant to a settlement agreement). *Case No. 11-cv-01655, Doc. 130*. The court granted
2 the joint stipulation on August 23, 2011. *Id.* at *Doc. 131*.

3 7. In both the SCEA Action and the SEL Action, Plaintiff asserts claims of infringement
4 arising out of the same patents. In both actions, SCEA and SEL also assert counterclaims against
5 Plaintiff regarding the same patents. Both SCEA and SEL share the same counsel and are affiliated
6 corporations.

7 8. Consolidation will avoid unnecessary cost and delay, increase efficiencies for the
8 Parties, and provide economies for the Court.

9 9. In order to avoid unnecessary motion practice and further expense of the Parties and
10 the Court's resources, the Parties, by and through their respective counsel, request an Order
11 consolidating the SEL Action and the SCEA Action for pretrial purposes.

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1 10. WHEREFORE, the Parties, by and through their respective counsel, hereby stipulate
2 to and request this Court to enter an Order consolidating Case No. 3:11-cv-01080-JCS and Case No.
3 3:11-cv-04203-JSC for pretrial purposes.

4 Dated: August 26, 2011

Respectfully submitted,

WHITE FIELD, INC.

By: /s/ Steven W. Ritcheson

Steven W. Ritcheson
ATTORNEY FOR PLAINTIFF OLYMPIC
DEVELOPMENTS AG, LLC

10 Dated: August 26, 2011

Respectfully submitted,

SHOOK, HARDY & BACON

By: /s/ Eric A. Buresh

Eric A. Buresh
Attorneys for Defendants and Counterclaimants
SONY COMPUTER ENTERTAINMENT
AMERICA LLC and SONY ELECTRONICS INC.

16 Pursuant to General Order No. 45.X.B., the below filer attests that concurrence in the filing
17 of this document has been obtained from the above Signatories.

18 Dated: August 26, 2011

/s/ Andrew L. Chang
Andrew L. Chang

21 PURSUANT TO STIPULATION, IT IS SO ORDERED.

22 Dated: 09/01/2011

HONORABLE JOSEPH C. SPERO
UNITED STATES DISTRICT COURT

